Remarks

The present amendment replies to the Official Action mailed June 18, 2003. That action

rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Frey et al. U.S. Patent No.

5,557,513 ("Frey"). This sole ground for rejection is addressed below following a brief discussion

of the present invention to provide context.

Claims 1, 4, 6, 9, 11 and 12 have been amended to be more clear and distinct. Claims 1-14

are presently pending.

The Present Invention

The present invention relates generally to improved methods and apparatus for storing

retail performance metrics (RPMs) of activities which take place at a point of sale (POS) terminal,

and more particularly, to such methods and apparatus wherein the RPMs are stored in a

standardized record format.

In one aspect of the present invention, the RPM is determined by recording the time the

POS system waited for an input event during a retail transaction. The RPM type is determined

based on what kind of input is received by the system. For example, the RPM type may be the

scan of an item, the weighing of an item, tender of payment, and the like. An RPM record,

including the time and type of input recorded, is stored in a transaction log associated with an

individual transaction entry. RPMs are recorded for a plurality of input events which occur during

a transaction. Thus, the techniques of the present invention allow a retailer to accumulate a

detailed transaction log of all the events occurring at each POS terminal in order to identify

deficiencies and potential problems. For example, a record of a series of scans requiring an

inordinate amount of time may indicate a cashier who needs more training or a scanner which

needs cleaning or repair.

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The Art Rejections

The Official Action rejected claims 1-14 under 35 U.S.C. 102(e) as being anticipated by Frey. This rejection is traversed as not supported by the relied upon art. As addressed by the Federal Circuit, anticipation under Section 102 can be found only if a reference shows exactly what is claimed. Titanium Metals Corp. v. Banner, 227 U.S.P.Q. 773 (Fed. Cir. 1985). The relied upon art does not teach and does not render obvious the claims as presently amended.

Frey is entitled "Checkout Lane Alert System and Method for Stores Having Express Checkout Lanes." Frey describes a system which monitors the number of shoppers entering and leaving a store. Using statistical modeling techniques and data gathered earlier, Frey's system then predicts shopper traffic at checkout lanes in the store. Thus, a store's manager can assign more cashiers to the checkout stations in a preemptive move, rather than allowing lines of waiting customers to grow. While Frey does indicate that the POS system registers each transaction and records the time of each transaction, Frey explicitly states that a transaction is defined as "a single buyer checking out through a checkout lane, and not by the number of purchases" by each buyer. Frey, col. 6, lines 3-6. In other words, Frey appears to be concerned only with the fact that a particular transaction, a single buyer checking out, has occurred, and not with events that occur during a transaction.

In contrast to Frey, the present invention provides techniques for storing a retail performance metric (RPM) record of both the type of event and the elapsed time waiting for the event to occur. This record is stored for each event of a plurality of events occurring during a transaction at a POS station. See amended claim 1, for example, which recites the steps of:

> receiving input indicative of an event occurring at a point of sale (POS) station during a transaction;
> determining the retail performance metric type of the input received at the POS

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station during the transaction;

recording an entry record indicative of the input received;

recording a retail performance metric record including the retail performance metric and the retail performance metric type, the retail performance metric including the time elapsed waiting for and receiving the input; and

repeating the steps of receiving, determining, recording the entry record, and recording the retail performance metric record for a plurality of events during the transaction (emphasis added)

Thus, for example, a POS station may record the time waiting for the scan of each item, the time required to weigh each item requiring weighing, the time for the customer to tender payment, and the like. This record is then available for store management to review and analyze. Frey, in contrast, simply records the time at which a customer checks out.
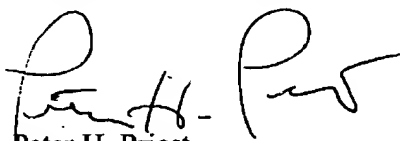
Nothing in the cited reference indicates a recognition of the problems addressed by the present invention or a solution thereof. To sum up, the claims of the present invention are not taught, are not inherent, and are not obvious in light of the art relied upon.

Conclusion

All of the present claims defining over the relied upon art, prompt allowance of the claims is in order.

Respectfully submitted,

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